



## KENTUCKY REGISTRY OF ELECTION FINANCE

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### ADVISORY OPINION 2009-003

Any advisory opinion rendered by the Registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121.135(4).

September 24, 2009

VIA FACSIMILE – (859) 261-7375 AND FIRST  
CLASS U.S. MAIL

Mr. John C. Fischer  
308 Sixth Avenue  
Dayton, Kentucky 41074

Dear Mr. Fischer:

By letter dated and received August 27, 2009, you requested an Advisory Opinion on behalf of the Campbell County Democratic Executive Committee (the "Committee") regarding the following facts:

The Committee desires to pay \$100 to "sponsor a hole" at the Northern Kentucky AFL-CIO Labor Council golf outing, which the committee states will result in an advertisement at the hole with the Committee's name. The Committee states that this will remind participants, many of whom are Campbell County democratic voters, that the Committee supports democratic candidates in county, state and federal elections and hopefully will increase contributions to the Committee.

KRS 118.015(1) defines "political party" to mean "... an affiliation or organization of electors representing a political policy and having a constituted authority for its government and

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regulation, and whose candidate received at least twenty percent (20%) of the total vote cast at the last preceding election at which votes were cast for presidential electors.” KRS 121.015 defines “committee” to include “(a)n executive committee of a political party. See KRS 121.015(3)(e). Unlike a campaign committee, caucus campaign committee, political issues committee, permanent committee, or inaugural committee, which terms are defined by KRS 121.015(3), an executive committee lacks statutory definition because it is defined by its affiliation with a national political party, and by-laws or other governing rules. Thus, the Campbell County Democratic Executive Committee is a county executive committee of a political party - the Democratic Party - defined and governed by the bylaws or rules of the Kentucky Democratic Party, in addition to state and federal law and the rules of the Democratic National Committee (“DNC”), the national political organization with which the Campbell County Democratic Executive Committee is affiliated.

With respect to allowable campaign expenditures, KRS 121.175(1) provides, in relevant part, as follows:

No . . . committee shall permit funds in a campaign account to be expended for any purpose other than for allowable campaign expenditures. "Allowable campaign expenditures" means expenditures including reimbursement for actual expenses, made directly and primarily in support of or opposition to a candidate, constitutional amendment, or public question which will appear on the ballot and includes, but is not limited to, expenditures for staff salaries, gifts and meals for volunteer campaign workers, food and beverages provided at a campaign rally, advertising, office space, necessary travel, campaign paraphernalia, purchases of advertisements in athletic and scholastic publications, communications with constituents or prospective voters, polling and consulting, printing, graphic arts, or advertising services, postage, office supplies, stationery, newsletters, and equipment which is used primarily for the administration of the campaign.

Although KRS 121.175 would seem to limit executive committee expenditures to the payment of costs directly and primarily in support of or opposition to a candidate, constitutional amendment, or public question which will appear on the ballot, this is not the case. An executive committee, by virtue of its governing rules and bylaws, also exists beyond the scope of KRS Chapter 121 and should be permitted to expend funds to promote the political party it represents. Common examples of political party promotion include party fundraisers not associated with any specific or particular candidate, campaign or election and activities such as non-campaign related communications with members. You state in your request that the Committee will receive an advertising benefit from paying \$100 to sponsor the hole at the golf outing, will remind others of the role of the Committee, and will hopefully result in increased contributions to the Committee. To the extent that these stated benefits are consistent with an expenditure of funds to promote the political party represented by the Committee, the expenditure appears to be permissible. You should consult your party's bylaws or governing rules to the extent they may apply or otherwise limit the conduct you propose.

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Please keep in mind that this advisory opinion is based on the specific facts set forth in your written request and does not cover past conduct. If you have any questions concerning this advisory opinion, please do not hesitate to contact the Registry. Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Emily Dennis".

EMILY DENNIS  
General Counsel

Cc: Registry Board members  
Sarah M. Jackson, Executive Director